

**MONTANA EIGHTH JUDICIAL DISTRICT COURT, CASCADE COUNTY**

MATL LLP,	)	Cause No. ADV 11-0601
	)	Hon. Thomas M. McKittrick
Plaintiff,	)	
	)	
vs.	)	
	)	
JAMES R. SHEFFELS; ERIC B. SHEFFELS;	)	
NEUMAN LAND AND LIVESTOCK;	)	
CHARLES HURIN, JR.; SOMERFELD AND	)	
SONS LAND AND LIVESTOCK, LLC;	)	
PATRICIA JEAN HURIN; BANK OF THE	)	
WEST; JOHN BURGMAIER; DEANNA	)	
BURGMAIER; KYLE BURGMAIER;	)	
ROBERT L. HEIHN; and DARLA J.	)	
DOYLE,	)	
	)	
Defendants.	)	
	)	

Pursuant to Rule 16 of the Montana Rules of Civil Procedure, and Rule 9 of the Rules of Practice of the Montana Eighth Judicial District, a telephone scheduling conference was held in the above-entitled cause on the 13<sup>th</sup> day of December, 2011. James H. Goetz and Benjamin J. Alke represented the Plaintiff MATL LLP ("MATL"). Hertha L. Lund and Rebecca H. Pape represented all of the Defendants except Bank of the West. Harley Harris, of MATL, appeared on the call.

**The following schedule shall govern this case:**

1. **April 12 and 13, 2012:** A preliminary condemnation hearing is set for these dates. The hearing will begin at 9:00 a.m. on April 12, 2012. If not disposed of prior to that date, motions for summary judgment will be argued at the beginning of the hearing.

2. **March 12, 2012:** All discovery shall be completed by this date.
3. **February 29, 2012:** The parties must disclose names and addresses of witnesses, including expert witnesses, on or before this date. The expert witness disclosure shall include information required by Rule 26(b)(4)(A)(i), M.R.Civ.P. The purpose of this order is to achieve simultaneous disclosure of expert witnesses. No expert may be identified after this date except upon a showing of good cause.
4. **January 24 and 25, 2012:** The parties, at their mutual expense, shall engage a mediator for a settlement conference on these dates. All parties and their attorneys shall attend in person. A representative with authority to settle must be present on behalf of insurers or parties which are entities. Participation by telephone is not acceptable. Settlement brochures may be required at the discretion of the mediator.

5. **January 6, 2012:** Any motion to intervene must be filed by this date.

Further, Defendants filed a Motion for Judicial Notice on December 12, 2011. At the scheduling conference, counsel for Plaintiff MATL LLP, James H. Goetz stated that Plaintiff did not object to Defendants' motion to the extent it requested judicial notice of certain documents (as opposed to certain quotations cited by Defendants in their request). Accordingly, IT IS HEREBY ORDERED that Defendants' Motion for Judicial Notice is GRANTED to the extent Defendants ask the Court to take judicial notice of the documents.

DATED this 15<sup>th</sup> day of December, 2011

  
Thomas M. McKittrick, District Judge

Cc: JamesGoetz/Benjamin Alke/Trent Gardner, P.O. Box 6580, Bozeman, MT 59771  
Hertha L. Lund, 502 South 19<sup>th</sup> Avenue, Suite 306, Bozeman, MT 59718  
Rebecca H. Pape, P.O. Box 1601, Bozeman, MT 59771  
Hon. James Regnier (Ret.), P.O. Box 299, Lakeside, MT 59922